

EXHIBIT A

PATRICK E. PREMO (CSB No. 184915)
ppremo@fenwick.com
SHEEVA J. GHASSEMI-VANNI (CSB No. 246639)
sghassemi@fenwick.com
JOHN-PAUL S. DEOL (CSB No. 284893)
jpdeol@fenwick.com
TIARA R. QUINTANA (CSB No. 315783)
tquintana@fenwick.com
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Telephone: 650.988.8500
Facsimile: 650.938.5200

Attorneys for Plaintiff
GLINT INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GLINT INC., a Delaware corporation,

Plaintiff,

v.

PERCEPTYX, INC., a California corporation;
MITCHELL ANDERSON, an individual; and
DOES 1 through 10, inclusive,

Defendants.

CASE No. 3:18-cv-02886-CRB

**PLAINTIFF'S REQUESTS FOR PRODUCTION
OF DOCUMENTS AND THINGS TO
DEFENDANT MITCHELL ANDERSON
(SET ONE)**

FENWICK & WEST LLP
ATTORNEYS AT LAW

Pursuant to the Court's order granting Glint Inc.'s ("Glint") motion for expedited discovery and Rules 26 and 34 of the Federal Rules of Civil Procedure, Glint requests that Defendant Mitchell Anderson ("Anderson") respond in writing to each of the following Requests and produce the documents and things requested for inspection and copying, in accordance with the definitions and instructions set forth below, at the offices of Fenwick & West LLP, 801 California Street, Mountain View, California 94041, within seven (7) calendar days of service.

DEFINITIONS

1. The terms "**Plaintiff**" or "**Glint**" mean and include, collectively and/or individually, Glint Inc., and its subsidiaries, affiliates, corporate divisions, predecessors or successor companies, if any, and its current and former officers, directors, employees, consultants, attorneys, authorized agents, sales representatives, distributors, dealers, direct and indirect contractors, and/or all other **Persons** acting or purporting to act on its behalf.

2. The terms "**You**," "**Your**," "**Defendant**," or "**Anderson**" mean and include, collectively and/or individually, Mitchell Anderson, and/or all other **Persons** acting or purporting to act on his behalf.

3. The term "**Perceptyx**" means and includes, collectively and/or individually, Perceptyx, Inc., and its subsidiaries, affiliates, corporate divisions, predecessors or successor companies, if any, and its current and former officers, directors, employees, consultants, attorneys, authorized agents, sales representatives, distributors, dealers, direct and indirect contractors, and/or all other **Persons** acting or purporting to act on its behalf.

4. The terms "**Person**" or "**Persons**" shall include both natural persons, corporate or other business entities, and all other forms of legal entities, and shall include, but is not limited to, the following: corporations, partnerships, joint ventures, associations, business organizations, trade organizations, standards organizations, and sole proprietorships.

5. The terms "**Document**" or "**Documents**" have the broadest meaning accorded that term by Fed. R. Civ. P. 34(a) and includes, but is not limited to, all of the items defined in Fed. R. Evid. 1001, and all preliminary and final drafts of any such item. The terms shall include, but not be limited to, all written, electronic, phonic, graphic, and recorded matter of every type and

1 description and every tangible thing that is or has been in **Your** possession, custody, or control, to
2 which **You** have access or of which You have knowledge. “**Document(s)**” shall also include, but
3 shall not be limited to, the following items, whether printed or recorded or reproduced by hand:
4 agreements, contracts, leases, communications (including intra-company communications),
5 electronic mail, data from Personal Digital Assistants (including handheld computers and “smart
6 phones,”), correspondence, postings on intranet or internet forums or websites (such as web pages
7 and web logs or blogs), faxes, memoranda, records, books, diaries, notebooks calendars (paper,
8 electronic and otherwise), telephone and other logs, telephone and other bills, voicemail and
9 transcriptions thereof, recorded distributions, forecasts, statistical statements, accounts, invoices,
10 purchase orders, receipts, billing records, tapes, expense vouchers, minutes, summaries and other
11 records of meetings, conferences, negotiations, conversations, investigations and interviews, sales
12 brochures and literature, advertisements, price lists, trade letters, press releases, stenographic,
13 handwritten and any other notes, projections, working papers, checks (front and back), check
14 stubs and receipts, models, surveys, devices, pictures, photographs, films, computer records, data
15 compilations, and voice and video recordings. “**Document(s)**” shall not be limited in any way as
16 to the form of storage (such as paper, magnetic tape, magnetic disk, CD-ROM, DVD, optical
17 disk, flash memory drive, or other storage device). A draft or non-identical copy is a separate
18 document within the meaning of this term.

19 6. The terms “**Communication**” or “**Communications**” refer to any exchange of
20 information by any means of transmission and the sending or receipt of information of any kind
21 by or through any means, including but not limited to speech, writings, documents, language
22 (machine, foreign or otherwise) of any kind, computer electronics or electronic data, sound, radio
23 or video signals, telecommunications, telephone, teletype, facsimile,, photographic film of all
24 types or other media of any kind. The terms “**Communication**” and “**Communications**” also
25 include, without limitation, all meetings, notices, requests, response, demands, complaints, press,
26 publicity or trade releases, and postings on intranet or internet forums or websites (such as web
27 pages and web logs or blogs).

28 ///

1 comply is because the **Document** has never existed, has been destroyed, has been lost, misplaced
 2 or stolen, and/or has never been, or is no longer in **Your** possession, custody or control. The
 3 statement shall set forth the name and address of any Person or organization known or believed
 4 by **You** to have possession, custody, or control of the **Document**.

5 5. If any information requested is claimed to be privileged, immune from discovery
 6 or otherwise not discoverable, **You** are requested to provide all information falling within the
 7 scope of the document request which is discoverable, and for each item of information contained
 8 in a document to which a claim of privilege is made, **You** must identify such document in a
 9 privilege and/or redaction log pursuant to Federal Rule of Civil Procedure 26(b)(5), such
 10 identification to include at least the following:

- 11 (1) the basis on which the privilege is claimed;
- 12 (2) the names and positions of the author of the document and all other persons
 13 participating in the preparation of the document;
- 14 (3) the name and position of each individual or other person to whom the
 15 document, or a copy thereof, was sent or otherwise disclosed;
- 16 (4) where not apparent, the relationship of the author, writer, sender, initiator,
 17 addressee or any other recipient with each other;
- 18 (5) the date of creation or transmittal indicated on each document, or an
 19 estimate of that date, indicated as such, if no date appears on the document;
- 20 (6) a description of any accompanying material transmitted with or attached to
 21 such document;
- 22 (7) the number of pages in such document;
- 23 (8) the particular document request to which such document is responsive; and
- 24 (9) the general subject matter and whether any business or non-legal matter is
 25 contained or discussed in such document.

26 6. Each Request for Documents seeks production of all **Documents** described along
 27 with any attachments, drafts, and non-identical copies in any language whatsoever, in the
 28 possession, custody or control of **You** or **Your** respective agents or all available information,

including such information as becomes available to **You** after **Your** answers hereto are served.

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1:

Inspection of any laptop, hard drive and/or portable storage device (including any **Perceptyx**-issued devices) in **Your** possession, custody or control used by **You** while employed at **Glint** or **Perceptyx** from November 1, 2017 to present for purposes of conducting a forensic examination of unauthorized copying and data transfer of **Glint** information.

DOCUMENT REQUEST NO. 2:

Copies of any and all **Glint Documents** received or obtained by **You** while employed at **Glint**, including but not limited to **Glint**'s customer lists, customer contacts information, pricing, customer proposals, project implementation plans for customers and prospective customers, screenshots of **Glint**'s product or services, **Glint**'s survey questions and related materials, videos of product demos, **Glint**'s pricing calculator or price quotes, any data from **Glint**'s Salesforce account, and other product information from February 2018 to the present.

DOCUMENT REQUEST NO. 3:

All **Communications** between **You** and **Perceptyx** from November 1, 2017 to May 1, 2018.

DOCUMENT REQUEST NO. 4:

Documents Concerning customer and prospective customer **Communications** **You** have had either with **Glint** and/or **Perceptyx** since **You** received an offer of employment from **Perceptyx** on or about March 20, 2018.

DOCUMENT REQUEST NO. 5:

Documents sufficient to show login attempts to **Glint**'s G-Suite and any **Glint**-controlled servers by **You** on **Your** mobile phone, any email account (including personal email) and any computer from April 27, 2018 to present.

DOCUMENT REQUEST NO. 6:

Documents Concerning customer and prospective customer **Communications** **You** have had with a current or prospective customer of **Glint** since **You** received an offer of employment

1 from **Perceptyx** on or about March 20, 2018.

2
3 Dated: _____, 2018

FENWICK & WEST LLP

4
5 By: _____
6 Patrick E. Premo

7 Attorneys for Plaintiff
8 GLINT INC.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FENWICK & WEST LLP
ATTORNEYS AT LAW